

AARON D. FORD  
Attorney General  
MATTHEW S. JOHNSON (Bar No. 12412)  
Deputy Attorney General  
State of Nevada  
Office of the Attorney General  
100 North Carson Street  
Carson City, NV 89701-4717  
Phone: (775) 684-1134  
Fax: (775) 684-1108  
msjohnson@ag.nv.gov  
*Attorneys for Respondents*

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

JAMES RAY WALKER,

Petitioner,

vs.

WILLIAM GITTERE, et al.,

Respondents.

Case No. 2:15-cv-01240-RFB-GWF

**UNOPPOSED MOTION FOR  
ENLARGEMENT OF TIME (FIRST  
REQUEST SINCE FILING OF STATEMENT  
WITH RESPECT TO EXHAUSTION)**

Respondents, by and through counsel, Aaron D. Ford, Attorney General of the State of Nevada, hereby respectfully move this Court for an order granting a ninety (90) day enlargement of time, to and including February 8, 2023, in which to file and serve their response to petition.

This motion is based upon the provisions of Rule 6(b) of the Federal Rules of Civil Procedure and the attached Declaration of Counsel, as well as all other papers, documents, records, pleadings and other materials on file herein.

There has been no prior enlargement of Respondents' time to file said response since James Ray Walker filed his Statement With Respect to Exhaustion but this is the third request since the petition was filed, and this motion is made in good faith and not for the purposes of delay.

RESPECTFULLY SUBMITTED this 9th day of November, 2022.

AARON D. FORD  
Attorney General

By: /s/ Matthew S. Johnson  
MATTHEW S. JOHNSON (Bar. No. 12412)  
Deputy Attorney General

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WILLIAM GITTERE, et al.,  
  
Respondents.

Case No. 2:15-cv-01240-RFB-GWF  
**DECLARATION OF COUNSEL**

I, Matthew S. Johnson, hereby state, based on personal knowledge and/or information and belief, that the assertions of this declaration are true:

1. I am a Deputy Attorney General of the Post-Conviction Division of the Nevada Attorney General's Office, and I make this declaration on behalf of Respondents' motion for enlargement of time.

2. My response in this matter is presently due on November 10, 2022. I respectfully request a 90-day extension to complete my response.

3 This case was reassigned to me along with dozens of other federal habeas petitions upon my employment with this office in August of 2022. Many of these cases had deadlines before the November 10, 2022 deadline for this case. Since this Court's deadline, I have submitted filings in numerous cases and have been preparing for an oral argument in the Ninth Circuit to be held on November 17, 2022. I have also had to familiarize myself with the 331-page second amended petition and the accompanying exhibits in preparation for writing a response while complying with the

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1 deadlines in my other death and non-death penalty cases. Because of the lengthy record in this case and  
2 my other responsibilities I need additional time to complete a response to the petition.

3 5. The Post-Conviction Division of the Nevada Attorney General's Office is presently  
4 staffed by 12 full-time post-conviction attorneys, two attorneys who primarily work for other divisions,  
5 and one legal researcher who is shared with other divisions. Among other duties, the attorneys in the  
6 Post-Conviction Division respond to all federal habeas cases (in the district court and appeal), all state  
7 habeas cases involving time-computation issues (in state district court and appeal), all extradition and  
8 rendition matters, all wrongful conviction compensation cases, and all appeals and post-conviction  
9 cases arising from Attorney General criminal prosecutions.

10 6. For the foregoing reasons, I respectfully request that this Court grant this request to  
11 extend the time for responding in this matter to February 8, 2022.

12 7. I contacted counsel for the petitioner and they have no objection to this request.

13 Pursuant to 28 U.S.C. § 1746, Declarant herein certifies, under penalty of perjury, that the  
14 foregoing is true and correct.

15 By: /s/ Matthew S. Johnson  
16 MATTHEW S. JOHNSON (Bar. No. 12412)  
17 Deputy Attorney General

18 **ORDER**

19 IT IS SO ORDERED.

20 Dated this 9<sup>th</sup> day of November, 2022.

21   
22 RICHARD F. BOULWARE, II  
23 UNITED STATES DISTRICT JUDGE  
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**CERTIFICATE OF SERVICE**

I certify that I am an employee of the Office of the Attorney General and that on this 9th day of November, 2022, I served a copy of the foregoing **UNOPPOSED MOTION FOR ENLARGEMENT OF TIME (FIRST REQUEST SINCE FILING OF STATEMENT WITH RESPECT TO EXHAUSTION)**, by U.S. District Court CM/ECF electronic filing to:

David Anthony  
Martin Novillo  
T. Kenneth Lee  
Assistant Federal Public Defenders  
411 East Bonneville Ave., Suite 250  
Las Vegas, NV 89101

/s/ Amanda White